

REMARKS

This paper is filed in response to the Decision on Appeal mailed November 28, 2008.

In the Decision on Appeal, the Board of Appeals reversed the Examiner's rejections of all claims, however, it entered a new ground of rejection of claims 79-105 under 35 U.S.C. § 101 as being directed to unpatentable subject matter.

The Board of Appeals rejected claims 79-105 as being directed to a computer-readable medium, which the specification had defined to include a "signal propagated by a carrier wave," which is unpatentable subject matter following the Federal Circuit decision in In re Nuijten¹.

In response, Applicant has amended the specification to delete the reference to a signal propagated by a carrier wave and expressly disclaims such subject matter. As such, claim 79-105 are patentable under 35 U.S.C. § 101. Applicant respectfully requests the Examiner withdraw the rejection under 35 U.S.C. § 101.

¹ 500 F.3d 1346 (Fed. Cir. 2008).

CONCLUSION

Applicant respectfully asserts that in view of the amendments and remarks above, all pending claims are allowable and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

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Respectfully submitted,

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